Before the
Federal Communications Commission
Washington, D. C. 20554

In the Matter of:

EAS system)   **EB Docket 04-296**

EAS needs to be relegated to the same status as smoke signals and jungle drums. An interesting but ineffective system, designed to annoy the public, provide a false sense of security, frequently broken and generally as useless as asking passengers if they packed their own luggage.

Conalrad operated in a time when technology was hardly above Galena crystals and cat whiskers. The threat of foreign bombers using broadcast stations as beacons was real and we know the Germans had used this system, as well as home based radio beacons using the Morse A/N transmissions to guide long range attacks.

Today, any credible threat would utilize the Global Positioning System or inertial guidance systems, either in sophisticated weapons or in hand carried crude devices, and even less sophisticated human delivered devices, aka suicide bombs carried I person or delivered by vehicle to the intended target by road map, dead reckoning or dumb luck.

In any event, any such attack would be long over before EAS could even be activated, let alone any citizenry be able to take an effective action to protect them selves

or flee from an area of attack. The entire system is based upon false assumptions of circumstances and reactive possibilities.

The entire system has fatal flaws, and is barely useful for Amber alerts and certainly of no value otherwise in a world of instant information flow from a huge number of sources. It should be scrapped and not replaced.

Flaws:

As the FCC rightly points out, the EAS system is little more than a Pony Express delivery system based on passing the message from station to station. There are numerous instances of this failing. The root causes are broken equipment, operator inattention, lack of a station operator, expiration of notices before delivery, inability to receive the message, and the different levels of messages selected by each station to even relay.

In a wide spread emergency, power is likely to be out and few stations have emergency power to even remain on the air to relay the message, and even fewer people own a battery power TV or a home generator. Thus the population is at best able to receive the message via radio in their car or a portable device. In addition, by the time the power does go out, it is already evident the emergency is at hand, and any message is of moot value other than to express "good luck."

As the Commission also rightly expresses, cable systems routinely delete EAS messages, fail to insert their own, satellite and other wide area information systems, i.e. the Internet, serve too big an area to be effective because either a person is inundated by hundreds of false out of area alerts, or simply turns the system off.

The Commission also rightly recognizes that large portions of the population are engaged in other activities, listening to recorded material, playing video games, sleeping, or otherwise not in contact with a current alert system dependent upon analog radio and TV broadcasts.

With the decrease in reliance on other the air TV and radio stations, in favor of cable TV, satellite TV, internet and other non locally originated and non locally delivered information systems, each year less and less of the public can even be reached by conventional broadcast stations.

Simply put, the entire EAS system is delivered to only a very small percentage of the population, and as such, its value to deliver any emergency service should be deemed insignificant.

Annoyance equals inattention

The EAS and the former EBS system are seen as annoyances. Increasing the testing from 5, 10 or 15 visual service and another 5-75 aural service stations means the average viewer/listener receives 10 to 90 test message annoyances per week. It is no wonder the public has turned from broadcasting to pay services where the program enjoyment is not interrupted repeatedly. Likewise, extending the EAS to cable or satellite would only mean another 200-500 more annoyances to the public each week. What sane person wants to have their $25 pay per view program interrupted by an inane EAS test? None I would wager. Any non local service would be too cumbersome to use for anything other than a national emergency.

EAS as a national warning system is unneeded.

The President or any high level Federal official can get nearly instant access to the entire broadcast media as has clearly been demonstrated. The issue is, by the time any Federal official has enough information or authority granted to issue a national warning, the event has likely passed and only an explanation of what happened could make any sense. News coverage is so ubiquitous, even the attack on the World Trade Center and the Pentagon, and let us not forget the brave passengers of the hijacked plane that crashed in Pennsylvania, the public already is eye witness to the news event hours before any federal official was able to step to a microphone to express that we had been attacked by terrorists. So the system is worthless as a warning device. The people on the Pennsylvania plane knew what to do from telephone calls of news coverage, not because some micro-miracle EAS receiver in each seat warning them they were part of a terrorist attack.

The best that could be delivered to the public as a warning might be that an attack is imminent based upon the sighting of inbound ICBM's or attack bombers. That might give a few who believed such a message enough time to either, get their shot guns, or find shelter in a soon to be bombed to vapor subway station or other shallow hole. The others would likely not believe, resign themselves to a quick untimely death or panic and loot the local stores.

EAS for state level.

Again, news coverage has shown it is faster than EAS or any other rinky dink warning system devised by the Government. Weather related emergencies are already on

the news that conveys the danger of forest fires, impending storms, floods, chemical spills and other disasters. At best the local siren will sound a minute or two before the tornado strikes the designated trailer park, shopping mall more likely set off my an awake local emergency service called to alert by a weather forecast from a local broadcast station.

EAS local level.

Provided local officials even know who to call to get a local EAS alert sent, the time required to contact, compose, delivery, and above all else, wait till the 7 minute commercial break is over before putting it on air, might be enough to catch the child abductor before they get to the state line, except in those multi-state markets, which comprise about 25% or the population, where the alert has to be sent via two different state (or even three or four state) agencies, in order to cover the entire local area. And of course, it has to wind its way from relay to relay to eventually get back to the area that originated the alert. A perfect example of this was a 2003 Amber Alert in Merrillville, IN, which was entered into the state system, and was NEVER received by the Merrillville, IN TV station because the alert had EXPIRED during the delays in relaying the message via the Pony Express EAS system. The Amber alert would have been better served by calling the local station's news department and getting the information on air via the local station.

Heaven forbid that any EAS message interrupt a commercial! But local TV stations will cover half the screen with maps, and crawls and repeatedly transit the

annoying data stream noise in intervals of a few minutes for hours in order to promote their ability to be "first with the news."

Well Chicago TV stations, wake up, if the tornado is in Lake County Illinois, I don't need to be disturbed living in Lake County, Indiana. And all those wonderful severe weather warnings that will make it to Indiana magically disappear at the state line, because none of the big Chicago news stations cares about Indiana, only 14 miles away. So we get no service from EAS /Chicago media at all. It all magically is limited only to the Illinois residents. We in Indiana get the news from the one Indiana based news station, a low rating PBS secondary affiliate that does its own local live news show with weather that does not magically evaporate at the state line.

Fixing it.

If we must have some false security alerting system lets at least make it fast and unobtrusive.

First, eliminate all the annoying testing. Nobody cares; nobody wants the frequent interruptions on every channel, radio, TV, satellite, HBO or porn internet site. For those few who are concerned, let them buy a special EAS radio and have it surgically attached to an appendage of choice. Design a system that can be tested either at 3 AM when almost no one is awake, or is SILENT and does not interrupt normal programming. Have one national "in the clear" test a year, just to let people know we didn't forget to set the alarm clock for 4:30 AM, on the 1st of January. The test signals can be sent via noise floor pumping or some other "silent" technique that EAS receivers can detect, but is invisible to the public.

In the event of a nuclear attack nothing will be working anyway, so any system is useless under that condition. No phones, radio, TV, internet, because the EMP will have destroyed any electronic receiver and most transmitters, power and phone lines will be out, and most emergency plans call for the shut down of the phone system except to authorized emergency phones. People will just have to wonder around in the nuclear green glass desert to find civilization and a radio that might work at the antique store that still has a tube radio set. Then again, few radio and TV stations have gear that will survive EMP, so only distant AM radio signals will be heard anyway.

Terrorist attacks come without warning. It would take some time to even recognize any danger latent after such an attack, unless we witness a power plant "Chernobyl" event and try to evacuate the people on roads already clogged, and likely blocked by construction zones. A few might escape before the fallout reaches them.

Amber, she might be found if the word gets out to enough people, but the people most in a position to act or respond are driving around and might see a vehicle describes. People sitting at home watching TV, video games, internet, the XM radio have near zero chance of seeing the suspect vehicle unless it crashes through the living room door, so no help there.

Get rid of State plans. Any alert system needs to reach the entire metropolitan market. In New York City, that means, NY, NJ, CT, and maybe even parts of PA, MA and RI. In Chicago it means IL, IN, WI and MI. In Kansas City it means Kansas and Missouri. Political boundaries mean nothing to severe weather, terrorists, forest fires, floods and any other circumstance that might be in the public interest to convey. So any

EAS system should be required to serve ALL the states in the SMSA not just the City of License, county or state.

Cable should be prohibited from blocking any EAS message from any program source. Cable should also be REQUIRED to provide EAS to areas not served by at least three commercial TV stations and five commercial radio stations. (Grade A or 1 mV/M)

Any TV station that overlaps more than one SMSA TV market should be carried by Cable and Satellite TV in all markets within the service contour of the station (grade B or 15 dBmV for digital). An emergency message from these stations could easily be of interest and service to both communities.

Security

The problem with security systems is they attract crackers; it's a challenge to some to break any protective software or device. The more security a system has the more cumbersome it becomes and that means the harder it is to use, and thus less likely to be used. American's are very good at detecting horse manure, and are not going to be easily fooled by false information, unless it is from a politician trying to be elected, in which case all bets are off.

Do Gooders:

Well I would guess some EAS official or volunteer will have an example or two to justify their job, out of at least 10 million alerts or more since EAS was adopted, there are bound to be some anecdotal evidence that "the system works." The fact is, the EAS system serves only those who profit from it by ego enhancement or money, lean on it for

their existence to make them feel they are "doing something" or are otherwise blindly following the dictum that "something is better than nothing" regardless of the cost.

EAS, the least effective way to send anything. Get rid of it.

Henry B. Ruhwiedel
5317 W 133rd St
Crown Point, IN 46307
219 662 6991